K 1950

File No. B. Gas Supply/50

Legal Deptt.

B BRANCH

Subject:— L.A. Bill No XVIII of 1950

A Bill to amend the Bombay Gas supply Act 1939

Bom. Act No XIII of 1950

P.22/C

B. Gas Supply/50

File No.

762-B

Legal Department

A revised draft Bill is sent herewith.

2. It appears from the English Act that the calorific value, presure, or purity of gas cannot be constant or uniform for all undertakings. The gas Act, 1948, which is the latest statute in England leaves such standards to be fixed by regulations for different areas. The Electrical Engineer with whom the matter was discussed informally agreed that that is the correct method. The Bill has therefore been amended accordingly (see e.g. new section 7A in clause 4 and section 11(2)(d) in clause7). A definition of the expression "calorific value" has also been given in clause 3 on the lines of the definition in the English Act.

3. Clause 4- New section 7H - New section 7H corresponds to clause 17 of the Development Department draft Bill. As it may not be possible for the company to replace an incorrect meter by correct one within 24 hours from the receipt of complaint more time is given to the company to place the same. The D.D. should verify whether the additional time of 24 hours given for replacing the meter is sufficient.

Clause 4. New section 7K - This section corresponds to clause 20 of the D.D. draft bill. It has been provided in new section 7K that the fees paid to the Inspector shall be credited to the State Government.

Clause 4. new section 7N- New section 7N corresponds to clause 22 of the D.D. draft bill. Clause 16 of the D.D. draft Bill empowers the company to ask the consumer to discontinue use of any apparatus which is likely to over-load the meter provided on the consumer's premises. This provision has been included in new section 7N so that a consumer failing to comply with the Inspector's directions given under new section 7N may be punished under new section 9A.

Clause 4- new section 7J - New section 7J corresponds to clause 18 of the D.D. draft Bill. In the Bombay Gas Supply Act, 1939 "company" has been defined as meaning The Bombay Gas Co. Ltd. governed by the Gas Companies Act, 1863, or any other person to whom the Provisions of the Act may be extended under section 10. Clause 18 of the D.D. draft Bill under which power has been given to the company to dis-continue supply of gas includes also the Bombay Gas Company, Limited, but that company has been given power under section 9 and 10 of the Gas Companies Act, 1863, to recover its charges for the supply of gas and to remove any pipe, meter, fittings or other works being discovered . The provisions of clause 18 will over-lap and conflict with the provisions of sections 9 and 10. To resolve this difficulty it would be desirable to repeal sections 9 and 10 and incorporate the provisions contained in those sections in the present Bill. Moreover, such provisions would be now more appropriate in the Act of 1939. New section 7J provides accordingly. The provisions of this section will be available both to the Bombay Gas Co. Ltd. and any other company to which the provisions of the Bombay Gas Supply Act, 1939, may be extended.

Clause 4- new section 7P- It would seem desirable to provide for a n appeal against the decision of the Gas Inspector. The necessary provision has been made in new section 7P.

Clause 5- Sanction 8 of the Bombay Gas Supply Act, 1939 provides for a maximum penalty of Rs. 1,000/- The same maximum penalty is prescribed in new section 8.

4. The subject matter of the Bill falls under entry 25 in List II in the seventh Schedule to the

Constitution

Constitution of India. The Bill does not require any sanction but it requires the recommendation of the Governor under clause (3) of article 207 of the Constitution of India.

Sd/- J.R.Dhurandhar

o.c. ,22/2

Additional Secretary to Government.

U.R. to Development Department, No 2637, dated 23rd February 1950.

Fjr/21/6

4 Cs.

Statement of Objects of Reasons:

The present law relating to the supply of gas in Bombay does not confer any powers on Government to secure proper maintenance of gas connections and meters and the supply of gas of the requisite quality to the consumers. There is no provision whereby Government can secure the supply of gas for purposes considered essential. There is also no provision requiring consumers of gas not to ~~xxxxx~~ ~~xxxx~~ overload their meters or in other manners to abuse the service. In order to provide for these and incidential matters, an amendment of the Bombay Gas Supply Act, 1939 is considered necessary.

Dated the 28th March 1950

(Signed) MALOJIRAO NAIK-NIMBALKAR.

By order of the Governor of Bombay

Sd/- J.R.Dhurandhar

J.R.DHURANDHAR ,

Additional Secretary to the Government of Bombay

Legal Department.

Bombay , dated the 29th March 1950.

Mjr/21/6

4 Cs.

IMMEDIATE.

No. 5384
Legal Department
Bombay Castle, (Bombay No.1) 20th April 1950

From

Shri J.R.Dhurandhar,
Additional Secretary to the Government of Bombay,
Legal Department.

To

The Private Secretary to the Governor of Bombay.

Subject:— The Bombay Gas Supply (Amendment) Bill, 1950.

Sir,

With reference to article 200 of the Constitution of India, I am directed to forward herewith for the assent of His Excellency the Governor the authentic copy of the Bombay Gas Supply (Amendment) Bill, 1950, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 5th and the 10th April 1950, respectively.

2. The subject-matter of the Bill falls under entries 25 & 64 in List II in the Seventh Schedule to the Constitution of India. As the Bill does not relate to any matter enumerated in the Concurrent Legislative List, it is not necessary to reserve the Bill for the consideration of the President with reference to article 254(2) of the Constitution.

3. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

4. I also forward herewith one copy of each of the items

	Nos.
1. Bill as introduced in the Bombay Legislative Assembly with the Statement of objects and Reasons.	1, 2
2. Bill as read for the third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.	and 4
3. Bill as read for the third time and passed by the Bombay Legislative Council.	and two copies
4. Extracts from the proceedings of the Bombay Legislative Assembly dated the 4th and 5th April 1950 and of the Bombay Legislative Council dated the 10th April 1950.	of Item No. 3

Mjr/21/6

4 Cs.

of the papers noted in the margin. The Bill was not referred to a Select Committee.

Yours faithfully,

Sd/- J.R.Dhurandhar
20/4

O.C.

Additional Secretary to Government.

Through

The Secretary to the Government of Bombay,
Development Department.

Mjr/21/6
4 Cs.

[To be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari and Urdu scripts) and the translations to be published in the " Bombay Government Gazette ". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. Bill No. XVIII OF 1950.

A Bill to amend the Bombay Gas Supply Act, 1939.

Bom. IX of 1939

WHEREAS it is expedient to amend the Bombay Gas Supply Act, 1939, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Gas Supply (Amendment) Act, 1950.

Amendment of long title and preamble of Bom. IX of 1939.

2. (*1*) In the Bombay Gas Supply Act, 1939, hereinafter called the said Act, in the long title for the words " the prices for supply of gas " the words " the supply of gas including the prices therefor " shall be substituted ;

(*2*) In the preamble to the said Act, for the words " prices for the supply of gas " the words " the supply of gas including the prices therefor " shall be substituted.

Amendment of section 2 of Bom. IX of 1939.

3. In section 2 of the said Act, after clause (*3*) the following clauses shall be added, namely :—

" (*4*) ' Inspector ' means the Gas Inspector appointed by the State Government under section 7-O ";

(*5*) ' calorific value ' means the number of British thermal units (gross) produced by the combustion of one cubic foot of gas measured at sixty degrees Fahrenheit under a pressure of thirty inches of mercury and, except as may be otherwise directed by the State Government in relation to gas supplied by any particular company or class of companies specified in the direction, saturated with water vapour. "

Insertion of new sections 7A to 7P in Bom. IX of 1939.

4. After section 7 of the said Act, the following sections shall be inserted, namely :—

Pressure etc. at which gas to be supplied.

"7A. The gas supplied by the company to the consumers shall, except for any cause beyond its control, be of such standard of calorific value, pressure and purity, such standard being subject to such allowance, as may be prescribed.

Facilities for inspection and testing.

7B. The company shall at all times afford all facilities to the Inspector or his assistants authorised by him in writing in this behalf to inspect and test any of its works for the purpose of determining the calorific value, pressure or purity of the gas supplied to the consumers.

Explanation.—In this section 'works' includes any buildings, machinery or apparatus required to supply gas.

Company to maintain equipments.

7C. The company shall keep and maintain in good working order such measuring and recording instruments and equipments as the Inspector may require for the correct determination of the calorific value, pressure and purity of gas supplied to the consumers and for testing the accuracy of the meters. Such instruments and equipments shall at all times be open for inspection and testing by the Inspector or any of his assistants.

Complaint for failure to supply gas at normal pressure etc.

7D. (*1*) A consumer may make a complaint in writing to the company that the gas supplied to him is below the standard of the prescribed calorific value or pressure or purity and the company shall, within twenty four hours of the receipt of such complaint, test the calorific value or pressure or purity of the gas supplied in the presence of the consumer or his representative if the consumer so desires, and if the gas supplied is found below such standard, taking into consideration the allowance prescribed shall restore the calorific value, pressure or purity, as the case may be, to its standard within twenty four hours of such testing or within such longer period as the Inspector may allow.

(*2*) Where on such testing the standard in regard to which the complaint was made is found to be correct, the company shall be entitled to recover from the consumer a testing charge not exceeding such amount as may be prescribed.

Consent of company required for additions to installation by consumers.

7E. No consumer shall at any time make additions to his installation without the knowledge and consent of the company.

Company to supply meters.

7F. The company shall provide and maintain a correct meter for every consumer for measuring the gas supplied to him.

New connections to be in accordance with rules.

7G. The company shall not grant new connection to any person for the supply of gas, except in accordance with the rules made by the State Government in this behalf.

Complaint for incorrect meter.

7H. (*1*) A consumer may make a complaint in writing to the company that the meter supplied to him is not correct, and the company shall, within twenty four hours of the receipt of such complain t, test the meter in the presence of the consumer or his representative if the consumer so desires and if the meter is found to be otherwise than correct, shall replace it by correct meter within the next twenty-four hours or such longer time as may be allowed by the Inspector.

(*2*) Where on such testing the meter is found to be correct, the consumer shall, if demanded by the company in writing, be liable to pay to the company a testing charge not exceeding such amount as may be prescribed.

Explanation.—For the purposes of this section, a meter shall be deemed to be correct if it does not register measurement of gas more than 3 per cent above or below the correct measurement.

Disputes to be referred to Inspector.

7-I. (*1*) Where any dispute arises between a consumer and the company as to the quantity of gas consumed, amount of any charges levied by the company for the supply of gas, testing of calorific value, pressure or purity or testing of meter, the matter may by application be referred by either party to the Inspector and decided by him after holding such inquiry as he deems necessary.

(*2*) Such application shall be in writing and shall be in such form and accompanied by such fees as may be prescribed.

Recovery of charges and rents due to company.

7J. (*1*) Where a consumer neglects to pay any charge due from him to the company for the supply of gas, or the testing of meter or the calorific value, pressure or purity of gas or any rent due for any meter or fitting let for hire by the company, the company may after giving not less than seven clear days notice in writing and without prejudice to its right to recover such charge or rent by suit, stop the gas from entering the premises of such consumer by cutting off the service-pipes or by such means as the company shall think fit.

(*2*) When the company stops the gas from entering the premises of any consumer under sub-section (*1*), the company, their agents or workmen after giving twenty-four hours' previous notice to the occupiers, may enter into such premises between the hours of nine in the forenoon and four in the afternoon, and recover and carry away any pipe, meter, fittings or other works, being the property of the company.

(*3*) When any dispute has been referred under this Act to the Inspector, the company shall not exercise the powers conferred by this section until the Inspector has given his decision.

Fees for service of Inspector.

7K. (*1*) For the services of the Inspector under any of the provisions of this Act, the State Government may prescribe fees and may by general or special order provide for remission of any fee or any portion thereof.

(*2*) Such fees shall be paid to the Inspector by such party as the Inspector may decide.

(*3*) The fees paid under sub-section (*2*) shall be credited to the State Government.

Failure to pay Inspector's fees by consumer.

7L. Where a consumer fails to pay any prescribed fee as directed by the Inspector within seven days from the date of demand of such fees by the Inspector in writing, the Inspector may direct the company to discontinue the supply of gas to such consumer and the company shall discontinue the supply of gas to such consumer until such time as the company is directed by the Inspector to restore the same:

Provided that the company shall not be bound to restore the supply of gas after it is so discontinued, until the consumer has paid to the company such re-connection charges as may be prescribed.

List of consumers.

7M. The Inspector may at any time require the company to submit to him a list of persons supplied with gas by the company and the company shall comply

with such requisition and supply such other information as the Inspector may require.

Directions by Inspector to consumers.

7N. (*1*) The Inspector may direct any consumer to discontinue the use of any part of the installation or any apparatus, which in the opinion of the Inspector, is causing, or is likely to cause, waste of gas or overloading of the meter provided on the consumer's premises and such consumer shall comply with the Inspector's direction in this behalf.

(*2*) Where a consumer fails to comply with any direction given by the Inspector under sub-section (*1*), without prejudice to any other penalty to which the consumer may be liable, the Inspector may direct the company to discontinue the supply of gas to such consumer and the company shall discontinue the supply of gas to such consumer until such time as the company is directed by the Inspector to restore the same:

Provided that the company shall not be bound to restore the supply of gas after it is so discontinued, until the consumer has paid to the company such reconnection charges as may be prescribed.

Appointment of Inspector.

7-O. The State Government may by notification in the *Official Gazette* appoint a duly qualified person to be a Gas Inspector and the Gas Inspector so appointed shall exercise the powers and perform the functions of the Inspector under this Act, subject to such restrictions as the State Government may direct.

Appeal against decision of Inspector.

7P. (*1*) An appeal shall lie from the decision of the Inspector under this Act to the State Government or such officer as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

(*2*) Every such appeal shall be made within 30 days from the date of the decision of the Inspector."

Substitution of new section for section 8 of Bom. IX of 1939.

5. For section 8 of the said Act, the following shall be substituted, namely :—

Penalty for contravention by company.

"8. If the company, without reasonable excuse, the burden of proving which shall lie on the company, contravenes any of the provisions of this Act shall, on conviction, be punished with fine which may extend to Rs. 1,000 and, in the case of a continuing contravention, with an additional fine which may extend to Rs. 50 for every day during which such contravention continues after conviction for the first such contravention."

Insertion of new sections 9A, 9B and 9C in Bom. IX of 1939.

6. After section 9 of the said Act, the following sections shall be inserted, namely :—

Penalty for contravention by consumer.

"9A. If a consumer, without reasonable excuse, the burden of proving which shall lie on the consumer, fails to comply with any direction given to him by the Inspector under any of the provisions of this Act shall, on conviction, be punished with a fine which may extend to Rs. 100 and, in the case of a continuing failure, with an additional fine which may extend to Rs. 10 for every day during which such failure continues after conviction for the first such failure.

9B. The Inspector appointed by the State Government under section 7-O shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Inspector to be public servant.

XLV of 1860.

9C. No suit, prosecution or other proceedings shall be instituted against the Inspector or any of his assistants for anything in good faith done or purporting to be done under this Act." Indemnity from suits and proceedings.

7. In section 11 of the said Act, after clause (*b*) of sub-section (2) the following shall be added, namely :— Amendment of section 11 of Bom. IX of 1939.

"(*c*) the generation, transmission, supply and use of gas;

(*d*) the standards of the calorific value, pressure and purity of the gas to be supplied to the consumers and the allowance to be made in determining such standards under section 7A;

(*e*) the maximum amount of the testing charge to be paid to the company under sub-section (2) of section 7D or of section 7H;

(*f*) the manner of granting new connections under section 7G;

(*g*) the form of application and the fees to be paid with the application under section 7-I;

(*h*) the fees to be paid for the services of the Inspector under section 7K;

(*i*) the reconnection charges to be paid to the company under sections 7L and 7N;

(*j*) the installation, fixing of meters or fittings and their inspection and maintenance;

(*k*) the inspection of measuring and recording instruments;

(*l*) any other matter which is to be or may be prescribed.

(3) The power to make rules under this Act shall be subject to the condition of previous publication."

8. Sections 9 and 10 of the Gas Companies Act, 1863, are hereby repealed. Repeal of sections 9 and 10 of Bom. V of 1863.

STATEMENT OF OBJECTS AND REASONS.

The present law relating to the supply of gas in Bombay does not confer any powers on Government to secure proper maintenance of gas connections and meters and the supply of gas of the requisite quality to the consumers. There is no provision whereby Government can secure the supply of gas for purposes considered essential. There is also no provision requiring consumers of gas not to overload their meters or in other manners to abuse the service. In order to provide for these and incidential matters, an amendment of the Bombay Gas Supply Act, 1939 is considered necessary.

Dated the 28th March 1950. (Signed) MALOJIRAO NAIK-NIMBALKAR.

By order of the Governor of Bombay,

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

Bombay, dated the 29th March 1950.

V—2

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

No. P.S.G.- 1183

From

THE PRIVATE SECRETARY TO THE GOVERNOR OF BOMBAY

To

The Additional Secretary to Government

Legal Department ,

Government House,

Bombay April 24th, 1950

Subject: The Bombay Gas Supply (Amendment) Bill, 1950.

Sir,

With reference to your letter No 5384, dated April 20, 1950, I am directed to return herewith the authentic copy of the Bombay Gas Supply(Amendment) Bill, 1950, with His Excellency the Governor's assent signified thereon.

Yours faithfully,

Sd/-
Private Secretary to the Governor
of Bombay.

Mjr/21/6

4 Cs.

Publication of the Bombay Gas Supply (Amendment) Act, 1950.

GOVERNMENT OF BOMBAY,
Legal Department.
Resolution No. 58203
Bombay Castle, 28th April 1950

Letter to the Private Secretary to the Governor, No 5384, dated the 20th April 1950 .

Letter from the Private Secretary to the Governor, No. P,S.G. 1183, dated the 24th April 1950.

With reference to your letter No. 5384, dated April 20, 1950, I am directed to return herewith the authentic copy of the Bombay Gas Supply (Amendment) Bill, 1950, with His Excellency the Governor's assent signified thereon.

RESOLUTION:- The law should be published as Bombay Act. No. XIII of 1950, in the Bombay Government Gazette dated the 28th April 1950.

2. The Act shouldbe translated into Marathi, Gujarati, Kannada and Hindi(in Devnagari and Urdu scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Development Department.

By order of the Governor of Bombay,
Sd/- K.J.Pathare

o.c. K.G.PATHARE,
Assistant Secretary to Government.

To

The Manager , Government Central Press, Bombay (with a copy of the Act and with a request that 30 Gazette copies of the Act may be forwarded to the Legal Department),
The Development Department,
* The Oriental Translator to Government,
The Bombay Legislature Department,
The Director of Publicity, Bombay,
The Enquiry Officer for the Secretariat Bombay.
} with a copy of the Act.

.....

* with five extra copies of the Act.

Mjr/21/6
4 Cs

Registered No. B-1

The

Bombay Government Gazette

PUBLISHED BY AUTHORITY

FRIDAY, 28TH APRIL 1950.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Bombay Legislature and Ordinances promulgated by the Governor.

CONTENTS

	PAGES
BOMBAY ACT No. XIII OF 1950—An Act to amend the Bombay Gas Supply Act, 1939	393-397

The following Act of the Bombay Legislature having been assented to by the Governor on the 22nd April 1950 is hereby published for general information.

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XIII OF 1950.

'st published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 28th April 1950.)

An Act to amend the Bombay Gas Supply Act, 1939.

Bom. IX of 1939.

WHEREAS it is expedient to amend the Bombay Gas Supply Act, 1939, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Gas Supply (Amendment) Act, 1950.

Amendment of long title and preamble of Bom. IX of 1939.

2. (*1*) In the Bombay Gas Supply Act, 1939, hereinafter called the said Act, in the long title for the words "the prices for supply of gas" the words "the supply of gas including the prices therefor" shall be substituted.

(*2*) In the preamble to the said Act, for the words "prices for the supply of gas" the words "the supply of gas including the prices therefor" shall be substituted.

Amendment of section 2 of Bom. IX of 1939.

3. In section 2 of the said Act, after clause (3) the following clauses shall be added, namely :—

"(4) 'Inspector' means the Gas Inspector appointed by the State Government under section 7-O ";

(5) 'calorific value' means the number of British thermal units (gross) produced by the combustion of one cubic foot of gas measured at sixty degrees Fahrenheit under a pressure of thirty inches of mercury and, except as may be otherwise directed by the State Government in relation to gas supplied by any particular company or class of companies specified in the direction, saturated with water vapour. "

Insertion of new sections 7A to 7P in Bom. IX of 1939.

4. After section 7 of the said Act, the following sections shall be inserted, namely :—

Pressure etc. at which gas to be supplied.

"7A. The gas supplied by the company to the consumers shall, except for any cause beyond its control, be of such standard of calorific value, pressure and purity, such standard being subject to such allowance, as may be specified by the State Government in this behalf by notification in the *Official Gazette*. The standards so specified may vary from time to time and may be different for different localities or areas.

Facilities for inspection and testing.

7B. The company shall at all times afford all facilities to the Inspector or his assistants authorised by him in writing in this behalf to inspect and test any of its works for the purpose of determining the calorific value, pressure or purity of the gas supplied to the consumers.

Explanation.—In this section 'works' includes any buildings, machinery or apparatus required to supply gas.

Company to maintain equipments.

7C. The company shall keep and maintain in good working order such measuring and recording instruments and equipments as the Inspector may require for the correct determination of the calorific value, pressure and purity of gas supplied to the consumers and for testing the accuracy of the meters. Such instruments and equipments shall at all times be open for inspection and testing by the Inspector or any of his assistants.

Complaint for failure to supply gas at normal pressure etc.

7D. (1) A consumer may make a complaint in writing to the company that the gas supplied to him is below the standard of the specified calorific value or pressure or purity and the company shall, within forty-eight hours of the receipt of such complaint, test the calorific value or pressure or purity of the gas supplied in the presence of the consumer or his representative if the consumer so desires, and if the gas supplied is found below such standard taking into consideration the allowance specified shall restore the calorific value, pressure or purity, as the case may be, to its standard within forty-eight hours of such testing or within such longer period as the Inspector may allow.

(2 Where on such testing the standard in regard to which the complaint was made is found to be correct, the company shall be entitled to recover from the consumer a testing charge not exceeding such amount as may be prescribed.

Consent of company required for additions to installation by consumers.

7E. No consumer shall at any time make additions to his installation without the knowledge and consent of the company.

Company to supply meters.

7F. The company shall provide and maintain a correct meter for every consumer for measuring the gas supplied to him.

7G. The company shall not grant new connection to any person for the supply of gas, except in accordance with the rules made by the State Government in this behalf. New connections to be in accordance with rules.

7H. (*1*) A consumer may make a complaint in writing to the company that the meter supplied to him is not correct, and the company shall, within forty-eight hours of the receipt of such complaint, test the meter in the presence of the consumer or his representative if the consumer so desires and if the meter is found to be otherwise than correct, shall replace it by correct meter within the next forty-eight hours or such longer time as may be allowed by the Inspector. Complaint for incorrect meter.

(*2*) Where on such testing the meter is found to be correct, the consumer shall, if demanded by the company in writing, be liable to pay to the company a testing charge not exceeding such amount as may be prescribed.

Explanation.—For the purposes of this section, a meter shall be deemed to be correct if it does not register measurement of gas more than 3 per cent above or below the correct measurement.

7-I. (*1*) Where any dispute arises between a consumer and the company as to the quantity of gas consumed, amount of any charges levied by the company for the supply of gas, testing of calorific value, pressure or purity or testing of meter, the matter may by application be referred by either party to the Inspector and decided by him after holding such inquiry as he deems necessary. Disputes to be referred to Inspector.

(*2*) Such application shall be in writing and shall be in such form and accompanied by such fees as may be prescribed.

7J. (*1*) Where a consumer neglects to pay any charge due from him to the company for the supply of gas, or the testing of meter or the calorific value, pressure or purity of gas or any rent due for any meter or fitting let for hire by the company, the company may after giving not less than seven clear days notice in writing and without prejudice to its right to recover such charge or rent by suit, stop the gas from entering the premises of such consumer by cutting off the service-pipes or by such means as the company shall think fit. Recovery of charges and rents due to company.

(*2*) When the company stops the gas from entering the premises of any consumer under sub-section (*1*), the company, their agents or workmen after giving twenty-four hours' previous notice to the occupiers, may enter into such premises between the hours of nine in the forenoon and four in the afternoon, and recover and carry away any pipe, meter, fittings or other works, being the property of the company.

(*3*) When any dispute has been referred under this Act to the Inspector, the company shall not exercise the powers conferred by this section until the Inspector has given his decision or until the expiry of one month from the date on which the dispute was referred to the Inspector, whichever is earlier.

(*4*) When the supply of gas has been stopped by the company under this section, the company shall not be bound to restore the supply of gas, until the consumer has paid to the company such reconnection charges, if any, as may be prescribed.

7K. (*1*) For the services of the Inspector under any of the provisions of this Act, the State Government may prescribe fees and may by general or special order provide for remission of any fee or any portion thereof. Fees for service of Inspector.

(*2*) Such fees shall be paid to the Inspector by such party as the Inspector may decide.

(*3*) The fees paid under sub-section (*2*) shall be credited to the State Government.

Failure to pay Inspector's fees by consumer.

7L. Where a consumer fails to pay any prescribed fee as directed by the Inspector within seven days from the date of demand of such fees by the Inspector in writing, the Inspector may direct the company to discontinue the supply of gas to such consumer and the company shall discontinue the supply of gas to such consumer until such time as the company is directed by the Inspector to restore the same :

Provided that the company shall not be bound to restore the supply of gas after it is so discontinued, until the consumer has paid to the company such reconnection charges as may be prescribed.

List of consumers.

7M. The Inspector may at any time require the company to submit to him a list of persons supplied with gas by the company and the company shall comply with such requisition and supply such other information as the Inspector may require.

Directions by Inspector to consumers.

7N. (*1*) The Inspector may direct any consumer to discontinue the use of any part of the installation or any apparatus, which in the opinion of the Inspector, is causing, or is likely to cause, waste of gas or overloading of the meter provided on the consumer's premises and such consumer shall comply with the Inspector's direction in this behalf.

(*2*) Where a consumer fails to comply with any direction given by the Inspector under sub-section (*1*), without prejudice to any other penalty to which the consumer may be liable, the Inspector may direct the company to discontinue the supply of gas to such consumer and the company shall discontinue the supply of gas to such consumer until such time as the company is directed by the Inspector to restore the same :

Provided that the company shall not be bound to restore the supply of gas after it is so discontinued, until the consumer has paid to the company such reconnection charges as may be prescribed.

Appointment of Inspector.

7-O. The State Government may by notification in the *Official Gazette* appoint a duly qualified person to be a Gas Inspector and the Gas Inspector so appointed shall exercise the powers and perform the functions of the Inspector under this Act, subject to such restrictions as the State Government may direct. The qualifications required for appointment as the Inspector shall be such as may be prescribed.

Appeal against decision of Inspector.

7P. (*1*) An appeal shall lie from the decision of the Inspector under this Act to the State Government or such officer as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

(*2*) Every such appeal shall be made within 30 days from the date of the decision of the Inspector. "

Substitution of new section for section 8 of Bom. IX of 1939.

5. For section 8 of the said Act, the following shall be substituted, namely :—

Penalty for contravention by company.

" 8. If the company, without reasonable excuse, the burden of proving which shall lie on the company, contravenes any of the provisions of this Act, it shall, on conviction, be punished with fine which may extend to Rs. 1,000 and, in the case of a continuing contravention, with an additional fine which may extend to Rs. 50 for every day during which such contravention continues after conviction for the first such contravention. "

6. After section 9 of the said Act, the following sections shall be inserted, namely :— Insertion of new sections 9A, 9B and 9C in Bom. IX of 1939.

"9A. If a consumer, without reasonable excuse, the burden of proving which shall lie on the consumer, fails to comply with any direction given to him by the Inspector under any of the provisions of this Act, he shall, on conviction, be punished with a fine which may extend to Rs. 100 and, in the case of a continuing failure, with an additional fine which may extend to Rs. 10 for every day during which such failure continues after conviction for the first such failure. Penalty for contravention by consumer.

9B. The Inspector appointed by the State Government under section 7-O shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Inspector to be public servant.

9C. No suit, prosecution or other proceedings shall be instituted against the Inspector or any of his assistants for anything in good faith done or purporting to be done under this Act." Indemnity from suits and proceedings.

7. In section 11 of the said Act, after clause (*b*) of sub-section (*2*) the following shall be added, namely :— Amendment of section 11 of Bom. IX of 1939.

"(*c*) the generation, transmission, supply and use of gas;

(*d*) the maximum amount of the testing charge to be paid to the company under sub-section (*2*) of section 7D or of section 7H;

(*e*) the manner of granting new connections under section 7G;

(*f*) the form of application and the fees to be paid with the application under section 7-I;

(*g*) the fees to be paid for the services of the Inspector under section 7K;

(*h*) the reconnection charges to be paid to the company under sections 7J, 7L and 7N;

(*i*) the installation, fixing of meters or fittings and their inspection and maintenance;

(*j*) the inspection of measuring and recording instruments;

(*k*) any other matter which is to be or may be prescribed.

(3) The power to make rules under this Act shall be subject to the condition of previous publication."

8. Sections 9 and 10 of the Gas Companies Act, 1863, are hereby repealed. Repeal of sections 9 and 10 of Bom. V of 1863.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

• L. A. Bill No. XVIII OF 1950.

A Bill to amend the Bombay Gas Supply Act, 1939.

(As read for the third time and passed by the Legislative Assembly on the 5th April 1950.)

(As read for the third time and passed by the Legislative Council on the 10th April 1950.)

Bom. IX of 1939.

WHEREAS it is expedient to amend the Bombay Gas Supply Act, 1939, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Gas Supply (Amendment) Act, 1950.

Amendment of long title and preamble of Bom. IX of 1939.

2. (*1*) In the Bombay Gas Supply Act, 1939, hereinafter called the said Act, n the long title for the words " the prices for supply of gas " the words " the upply of gas including the prices therefor " shall be substituted.

(*2*) In the preamble to the said Act, for the words " prices for the supply of gas " he words " the supply of gas including the prices therefor " shall be substituted.

Amendment of section 2 of Bom. IX of 1939.

3. In section 2 of the said Act, after clause (*3*) the following clauses shall be added, namely :—

" (*4*) ' Inspector ' means the Gas Inspector appointed by the State Government under section 7-O ";

(*5*) ' calorific value ' means the number of British thermal units (gross) produced by the combustion of one cubic foot of gas measured at sixty degrees Fahrenheit under a pressure of thirty inches of mercury and, except as may be otherwise directed by the State Government in relation to gas supplied by any particular company or class of companies specified in the direction, saturated with water vapour. "

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Insertion of new sections 7A to 7P in Bom. IX of 1939.

4. After section 7 of the said Act, the following sections shall be inserted, namely :—

Pressure etc. at which gas to be supplied.

"7A. The gas supplied by the company to the consumers shall, except for any cause beyond its control, be of such standard of calorific value, pressure and purity, such standard being subject to such allowance, as may be specified by the State Government in this behalf by notification in the *Official Gazette*. The standards so specified may vary from time to time and may be different for different localities or areas.

Facilities for inspection and testing.

7B. The company shall at all times afford all facilities to the Inspector or his assistants authorised by him in writing in this behalf to inspect and test any of its works for the purpose of determining the calorific value, pressure or purity of the gas supplied to the consumers.

Explanation.—In this section 'works' includes any buildings, machinery or apparatus required to supply gas.

Company to maintain equipments.

7C. The company shall keep and maintain in good working order such measuring and recording instruments and equipments as the Inspector may require for the correct determination of the calorific value, pressure and purity of gas supplied to the consumers and for testing the accuracy of the meters. Such instruments and equipments shall at all times be open for inspection and testing by the Inspector or any of his assistants.

Complaint for failure to supply gas at normal pressure etc.

7D. (*1*) A consumer may make a complaint in writing to the company that the gas supplied to him is below the standard of the specified calorific value or pressure or purity and the company shall, within forty-eight hours of the receipt of such complaint, test the calorific value or pressure or purity of the gas supplied in the presence of the consumer or his representative if the consumer so desires, and if the gas supplied is found below such standard taking into consideration the allowance specified shall restore the calorific value, pressure or purity, as the case may be, to its standard within forty-eight hours of such testing or within such longer period as the Inspector may allow.

(*2*) Where on such testing the standard in regard to which the complaint was made is found to be correct, the company shall be entitled to recover from the consumer a testing charge not exceeding such amount as may be prescribed.

Consent of company required for additions to installation by consumers.

7E. No consumer shall at any time make additions to his installation without the knowledge and consent of the company.

Company to supply meters.

7F. The company shall provide and maintain a correct meter for every consumer for measuring the gas supplied to him.

New connections to be in accordance with rules.

7G. The company shall not grant new connection to any person for the supply of gas, except in accordance with the rules made by the State Government in this behalf.

Complaint for incorrect meter.

7H. (*1*) A consumer may make a complaint in writing to the company that the meter supplied to him is not correct, and the company shall, within forty-eight hours of the receipt of such complaint, test the meter in the presence of the consumer or his representative if the consumer so desires and if the meter is found to be otherwise than correct, shall replace it by correct meter within the next forty-eight hours or such longer time as may be allowed by the Inspector.

(2) Where on such testing the meter is found to be correct, the consumer shall, if demanded by the company in writing, be liable to pay to the company a testing charge not exceeding such amount as may be prescribed.

Explanation.—For the purposes of this section, a meter shall be deemed to be correct if it does not register measurement of gas more than 3 per cent above or below the correct measurement.

Disputes to be referred to Inspector.

7-I. (1) Where any dispute arises between a consumer and the company as to the quantity of gas consumed, amount of any charges levied by the company for the supply of gas, testing of calorific value, pressure or purity or testing of meter, the matter may by application be referred by either party to the Inspector and decided by him after holding such inquiry as he deems necessary.

(2) Such application shall be in writing and shall be in such form and accompanied by such fees as may be prescribed.

Recovery of charges and rents due to company.

7J. (1) Where a consumer neglects to pay any charge due from him to the company for the supply of gas, or the testing of meter or the calorific value, pressure or purity of gas or any rent due for any meter or fitting let for hire by the company, the company may after giving not less than seven clear days notice in writing and without prejudice to its right to recover such charge or rent by suit, stop the gas from entering the premises of such consumer by cutting off the service-pipes or by such means as the company shall think fit.

(2) When the company stops the gas from entering the premises of any consumer under sub-section (1), the company, their agents or workmen after giving twenty-four hours' previous notice to the occupiers, may enter into such premises between the hours of nine in the forenoon and four in the afternoon, and recover and carry away any pipe, meter, fittings or other works, being the property of the company.

(3) When any dispute has been referred under this Act to the Inspector, the company shall not exercise the powers conferred by this section until the Inspector has given his decision or until the expiry of one month from the date on which the dispute was referred to the Inspector, whichever is earlier.

(4) When the supply of gas has been stopped by the company under this section, the company shall not be bound to restore the supply of gas, until the consumer has paid to the company such reconnection charges, if any, as may be prescribed.

Fees for service of Inspector.

7K. (1) For the services of the Inspector under any of the provisions of this Act, the State Government may prescribe fees and may by general or special order provide for remission of any fee or any portion thereof.

(2) Such fees shall be paid to the Inspector by such party as the Inspector may decide.

(3) The fees paid under sub-section (2) shall be credited to the State Government.

Failure to pay Inspector's fees by consumer.

7L. Where a consumer fails to pay any prescribed fee as directed by the Inspector within seven days from the date of demand of such fees by the Inspector in writing, the Inspector may direct the company to discontinue the supply of gas to such consumer and the company shall discontinue the supply of gas to such consumer until such time as the company is directed by the Inspector to restore the same:

Provided that the company shall not be bound to restore the supply of gas after it is so discontinued, until the consumer has paid to the company such reconnection charges as may be prescribed.

List of consumers.

7M. The Inspector may at any time require the company to submit to him a list of persons supplied with gas by the company and the company shall comply

with such requisition and supply such other information as the Inspector may require.

Directions by Inspector to consumers.

7N. (*1*) The Inspector may direct any consumer to discontinue the use of any part of the installation or any apparatus, which in the opinion of the Inspector, is causing, or is likely to cause, waste of gas or overloading of the meter provided on the consumer's premises and such consumer shall comply with the Inspector's direction in this behalf.

(*2*) Where a consumer fails to comply with any direction given by the Inspector under sub-section (*1*), without prejudice to any other penalty to which the consumer may be liable, the Inspector may direct the company to discontinue the supply of gas to such consumer and the company shall discontinue the supply of gas to such consumer until such time as the company is directed by the Inspector to restore the same:

Provided that the company shall not be bound to restore the supply of gas after it is so discontinued, until the consumer has paid to the company such reconnection charges as may be prescribed.

Appointment of Inspector.

7-O. The State Government may by notification in the *Official Gazette* appoint a duly qualified person to be a Gas Inspector and the Gas Inspector so appointed shall exercise the powers and perform the functions of the Inspector under this Act, subject to such restrictions as the State Government may direct. The qualifications required for appointment as the Inspector shall be such as may be prescribed.

Appeal against decision of Inspector.

7P. (*1*) An appeal shall lie from the decision of the Inspector under this Act to the State Government or such officer as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

(*2*) Every such appeal shall be made within 30 days from the date of the decision of the Inspector."

Substitution of new section for section 8 of Bom. IX of 1939.

5. For section 8 of the said Act, the following shall be substituted, namely :—

Penalty for contravention by company.

"8. If the company, without reasonable excuse, the burden of proving which shall lie on the company, contravenes any of the provisions of this Act, it shall, on conviction, be punished with fine which may extend to Rs. 1,000 and, in the case of a continuing contravention, with an additional fine which may extend to Rs. 50 for every day during which such contravention continues after conviction for the first such contravention."

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9C. No suit, prosecution or other proceedings shall be instituted against the Inspector or any of his assistants for anything in good faith done or purporting to be done under this Act." Indemnity from suits and proceedings.

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Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XVIII OF 1950.]

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A Bill to amend the Bombay Gas Supply Act, 1939.

[Shri. MALOJIRAO NAIK-NIMBALKAR, M.L.A.]

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BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.